

**AREA PLAN COMMISSION OF TIPPECANOE COUNTY**  
**MINUTES OF A PUBLIC HEARING**

DATE..... June 19, 2002  
 TIME..... 7:00 P.M.  
 PLACE ..... County Office Building  
 20 N. 3<sup>RD</sup> Street  
 Lafayette, IN 47901

**MEMBERS PRESENT**

Jan Mills  
 Karl Rutherford  
 KD Benson  
 John Knochel  
 Steve Schreckengast  
 Miriam Osborn  
 Mark Hermodson  
 David Williams  
 Kathy Vernon  
 Laura Peterson  
 James Miller

**MEMBERS ABSENT**

Jack Rhoda  
 Mike Harris  
 Jeff Kessler  
 Stuart Boehning

**STAFF PRESENT**

James Hawley  
 Sallie Fahey  
 Kathy Lind  
 Doug Poad  
 Heather Prough  
 Larry Cuculic, Atty.  
 Julie Holder

The Area Plan Commission of Tippecanoe County Public Hearing was held on the 19<sup>th</sup> day of June 2002, at 7:00 P.M., pursuant to notice given and agenda posted as provided by law.

Vice President Jan Mills called the meeting to order.

**I. BRIEFING SESSION**

James Hawley informed the Commission that the following cases should be continued to the July 17, 2002 Area Plan Commission meeting:

**Z-2075—COPPER BEECH TOWN HOMES COMMUNITIES**  
**S-3181—VALLEY LAKES SHOPPES SUBDIVISION**  
**S-3189—HUNTINGTON FARMS SUBDIVISION, PH. 3 & 4**

He also mentioned that UZO Amendment 30 only dealt with front setbacks and the definition for the Amendment regarding the one and two family dwelling code would be heard at a later date because it was not properly advertised.

**II. APPROVAL OF MINUTES**

Karl Rutherford moved to approve the minutes of the May 15, 2002 public hearing. David Williams seconded and the motion carried by voice vote.

## II. NEW BUSINESS

Karl Rutherford moved that the Comprehensive Plan for Tippecanoe County, the Unified Zoning Ordinance of Tippecanoe County, and the Unified Subdivision Ordinance of Tippecanoe County, Indiana, are hereby entered by reference into the public record of each agenda item. David Williams seconded and the motion carried by voice vote.

### A. RESOLUTIONS

1. **RESOLUTION T-02-4:** A Resolution to amend the FY 2002 Transportation Improvement Program; CityBus Section 5309 Capital Grant.

Karl Rutherford moved to hear and approve the above-described request. David Williams seconded the motion.

Sallie Fahey read staff comments with a recommendation for approval.

was John Connel, representing CityBus, 1250 Canal Road Lafayette, IN, stated he available to answer any questions.

KD Benson asked if there were going to be cameras on every bus.

John Connell replied eventually, but this resolution would buy 12 cameras.

Jan Mills asked if there were real safety concerns or was it for preventative measures.

John Connell stated it was used primarily for a deterrent against fraudulent insurance claims.

The Commission voted by ballot 11 yes – 0 no to approve **RESOLUTION T-02-4.**

2. **RESOLUTION 02-01:** Scenic Byways Resolution

Karl Rutherford moved to hear and approve the above-described request. David Williams seconded the motion.

Sallie Fahey read staff comments with a recommendation for approval.

Jan Mills asked for comments.

*No one spoke.*

The Commission voted by ballot 11 yes – 0 no to approve **RESOLUTION T-02-1.**

#### **A. FINAL DETAILED PLANS**

1. **RESOLUTION PD 02-06: HENTSCHEL COMPLEX PLANNED DEVELOPMENT (Z-2050):** Final Detailed Plans to create 4 lots for existing buildings, each on its own lot, and one lot held in common containing parking to serve all 3 buildings, at the southwest corner of Kent Avenue and Yeager Road in West Lafayette, Wabash 12 (NE) 23- 5.

Karl Rutherford moved to hear and approve the above-described request. David Williams seconded the motion.

Sallie Fahey read staff comments with a recommendation for approval.

stated Marianne Owen, representing the petitioner, PO Box 1010 Lafayette, IN, she concurred with the staff report. She respectfully asked for approval of the request.

Jan Mills asked for comments.

*No one spoke.*

The Commission voted by ballot 11 yes – 0 no to approve **RESOLUTION PD 02-06: HENTSCHEL COMPLEX PLANNED DEVELOPMENT (Z-2050) .**

#### **IV. PUBLIC HEARING**

Jan Mills read the procedures for the public hearing.

##### **A. COMPREHENSIVE PLAN AMENDMENTS**

1. **COLUMBIAN PARK NEIGHBORHOOD:** A proposed amendment to the Land Use Plan, a part of the Comprehensive Plan for Tippecanoe County.

Karl Rutherford moved to hear and approve the above-described request. David Williams seconded the motion.

Sallie Fahey read staff comments with a recommendation for approval and explained that neighborhood representatives would present the plan.

Margy Deverall, 114 S 27<sup>th</sup> Street, Lafayette, IN, stated she was President of the Columbian Park Neighborhood Association. She stated this process started back in October of 2001. She stated the neighborhood was happy with the progress so far. She presented a map of the Land Use Plan and pointed out what land uses had been decided for the neighborhood. She said a cross-section of people attended the meetings to represent the neighborhood as a whole. She stated there are over 1,000 properties in the neighborhood and the meetings were attended by landlords, property owners, Columbian Park personnel, hospital representatives and medical business owners in the neighborhood. She proceeded to point out the map and detailed what they have decided on and the neighborhood boundaries. She stated they met twice where neighbors participated and commented. She stated a survey was sent out and two notices were sent out to all property owners so people were aware of what was going on. She stated all the conclusions that they came to were the same as those reflected in a report, The Columbian Park Focus Area Plan, done previously in 1999. She stated not much has changed since 1999. She said that what was in this draft was representative of the collective vision of the neighborhood.

Karl Rutherford asked staff what was the rest of the process for the neighborhood rezone.

Kathy Lind replied after Area Plan hears this amendment to the Comprehensive Plan it goes before Lafayette City Council. Once the neighborhood plan has been adopted the neighborhood rezoning process begins. The Ordinance Committee will meet on July 16, 2002 to hear the neighborhood's zoning proposal. She said then the Ordinance Committee would meet again and hear staff's zoning proposal for the neighborhood. She said that letters would go out to all of the property owners informing them of the dates of the Ordinance Committee meetings. She said the Ordinance Committee would make a final recommendation on zoning for the neighborhood and it would then be heard by Area Plan Commission and Lafayette City Council. She said it should be finished by October 2002.

Amy Jacobson, 20 N 6<sup>th</sup> Street, Lafayette, IN, stated she was the Director for the City of Lafayette's Community Development office. She said she supported the proposed Land Use Plan. She said she spoke with Kathy Lind and Margy Deverall on this issue and they agreed with her that the Columbian Park Focus Area Plan could be added onto the proposed amendment. She asked that it acknowledge and make reference to the 1999 Columbian Park Focus Area Plan, which was adopted by the neighborhood and the Lafayette City Council in November of 1999.

Marianne Owen stated she represented Greater Lafayette Health Services and they also supported the proposed amendment. She thanked Kathy Lind and Margy Deverall for the work that they did to put the plan together. She asked that the Commission support the plan.

Mark Hermodson moved that the **COLUMBIAN PARK NEIGHBORHOOD PROPOSED AMENDMENT TO THE LAND USE PLAN** acknowledge and make reference to the Columbian Park Focus Area Plan that had previously been adopted by the Lafayette City Council. KD Benson seconded and the motion was carried by voice vote.

The Commission voted by ballot 11 yes – 0 no to approve the **COLUMBIAN PARK NEIGHBORHOOD: PROPOSED AMENDMENT TO THE LAND USE PLAN** and pass it on to the Lafayette City Council.

## **B. UNIFIED SUBDIVISION ORDINANCE AMENDMENTS**

1. **USO AMENDMENT #1-02:** Changes to subsection 3.5 of Section 3, Subdivision Application Procedures and Approval Processes, revising the rules and requirements for Parcelization, to take effect on October 1, 2002.
2. **USO AMENDMENT #2-02:** Fourteen changes and additions to Sections 2-5 creating a new category of subdivision, the Rural Estate Subdivision, and specifying procedures and requirements that pertain to it.

## **C. UNIFEID ZONING ORDINANCE AMENDMENTS**

1. **UZO AMENDMENT #27:** Twenty-six sections amending Chapters 1-6 and Appendix D, by adding an additional rural zone, and restrictions and regulations pertaining to it, to be called RE, Rural Estate Zone.

Karl Rutherford moved to hear and approve the three above-described requests. David Williams seconded the motion.

Sallie Fahey read staff comments with a recommendation of approval.

James Miller asked about the item in the proposed development that deals with the constraints put on how many years land cannot be tilled.

James Hawley replied that the provision that was in the proposed amendment was designed to keep someone from simply keeping their farmland out of production for three years and then declaring it was out of production and then using the RE zone to create a subdivision. He said the 5-year time line was calculated to be between the years 1997 and 2001 to keep everyone on the same page with all of the same rules in place.

Jan Mills thanked the staff and the public for all of their hard work and thought that the end result was a positive one.

The Commission voted by ballot 11 yes – 0 no to recommend approval of **USO AMENDMENT #1-02** to all jurisdictions.

The Commission voted by ballot 11 yes – 0 no to recommend approval of **USO AMENDMENT #2-02** to all jurisdictions.

The Commission voted by ballot 11 yes – 0 no to recommend approval of **UZO AMENDMENT #27** to all jurisdictions.

KD Benson asked for clarification that this was the end of sliders.

James Hawley stated when the jurisdictions passed these amendments building rights would cease to be able to be transferred to other pieces of land and that would end July 1, 2002. He said parcelizations would remain in play for 90 days after adoption. He said a complete filing for parcelizations had to be in the Area Plan Office by September 30, 2002. He said anything after that date would be denied.

2. **UZO AMENDMENT #30:** An amendment to modify the front and rear setbacks of the R1U, R2U, and R3U zoning districts found in Chapter 2, and Chapter 4-2-2 of the Unified Zoning Ordinance of Tippecanoe County.

Karl Rutherford moved to hear and approve the above-described request. David Williams seconded the motion.

Sallie Fahey read staff comments with a recommendation for approval.

The Commission voted by ballot 11 yes – 0 no to recommend approval of **UZO AMENDMENT #30** to all jurisdictions.

## **D. REZONES**

Karl Rutherford moved to continue **Z-2075—COPPER BEECH TOWN HOMES COMMUNITITES, LLP** to the July 17, 2002 Area Plan Commission meeting. David Williams seconded and the motion was carried by voice vote.

Karl Rutherford moved to continue **S-3181—VALLEY LAKES SHOPPES SUBDIVISION** to the July 17, 2002 Area Plan Commission meeting. David Williams seconded and the motion was carried by voice vote.

Karl Rutherford moved to continue **S-3189—HUNTINGTON FARMS SUBDIVISION, PH. 3 & 4** to the July 17, 2002 Area Plan Commission meeting. David Williams seconded and the motion was carried by voice vote.

1. **Z-2067—AMERICAN LEGION POST 11 (R1B & R1A TO NB):**  
Petitioner is requesting the rezoning of two portions totaling 1.348 acres of a larger 3.65 acre tract (the remaining area is zoned Flood

Plain) located at 1539 S. 9<sup>th</sup> Street, Lafayette, Fairfield 33 (NW)  
23-4. CONTINUED FROM THE MAY MEETING.

Karl Rutherford moved to hear and approve the above-described request.  
David Williams seconded the motion.

Sallie Fahey read staff comments with a recommendation for denial.

James Hawley presented slides of the location map, aerial photograph and site plan. He also reiterated staff's recommendation of denial.

Joseph T. Bumbleburg, representing the petitioner, PO Box 1535 Lafayette, IN 47902, presented a petition signed by all interested parties that stated they were in favor of the rezone request. He informed the Commission this was the largest legion post in the State of Indiana with over 2000 members. He stated they have been serving this community for many years. He mentioned the various charitable organizations that they contribute to in the community. He stated this was a 1930's building and members of the legion would like to update it. He said the site is removed from all of the residential neighbors because of the depth of the lot and the surrounding vegetation. He said the site is also surrounded by a dentist's office, a church, the YMCA, the Lafayette Country Club and the Tippecanoe Fairgrounds and pointed out this is not only a residential neighborhood. He stated the Legion has been cooperative with the county in the past on some drainage easement issues and would continue to be cooperative with the county if need be. He stated they have been good neighbors and are secluded and well buffered. He stated it was essential to be in a central part of town because of the aging clientele. He asked for the members of the Legion that were present to stand. He asked for the rezone request to be approved.

Karl Rutherford and Larry Cuculic stated that they were members of the American Legion. He stated he would support the rezone request.

Mark Hermodson agreed because the topography of the land makes the rezone request supportable.

The Commission voted by ballot 11 yes –0 no to approve **Z-2067—**  
**AMERICAN LEGION POST 11 (R1B & RIA TO NB)** to the Lafayette City  
Council.

2. **Z-2071—THOMAS P. & SUZANNE NEWETT (I3 TO R2):**  
Petitioners are requesting the rezoning of portions of four lots  
located at 1704 N. 12<sup>th</sup> Street, Lafayette, Fairfield 16 (SW) 23-4.

Karl Rutherford moved to hear and approve the above-described request.  
David Williams seconded.

Sallie Fahey read staff comments with a recommendation for denial.

James Hawley presented slides of the location map, aerial photograph and site plan. He also reiterated staff's recommendation of denial.

Joseph T. Bumbleburg, representing the petitioner, PO Box 1535 Lafayette, IN 47902, stated this was a remnant piece of land left over from railroad relocation. He stated the property across the street was zoned R2 and felt this rezone request was appropriate. He stated this development would have no impact on traffic. He stated this was a well-maintained neighborhood and thought this development would fit in well with the surrounding properties. He suggested that keeping this land in an industrial zone was spot zoning and thought that was not appropriate. He asked for the rezone request to be approved.

Jan Mills asked for comments.

*No one spoke.*

The Commission voted by ballot 11 yes – 0 no to recommend approval of **Z-2071—THOMAS P. & SUZANNE NEWETT (I3 TO R2)** to the Lafayette City Council.

3. **Z-2072—WILLIAM FLEISCHHAUER (R3W TO PDRS):** Petitioner is requesting planned development zoning to replace 2 multi-unit residential buildings with a single 4-story building, housing 14 apartments with 30 bedrooms, and 30 parking spaces, at the southwest corner of 2<sup>nd</sup> and Waldron in West Lafayette, Wabash 19 (NW) 23-4.

Karl Rutherford moved to hear and approve the above-described request. David Williams seconded.

Sallie Fahey read staff comments with a recommendation of approval, contingent on meeting all requirements of *UZO 2-27-10* for submission of Final Detailed Plans, signed off by those noted in that section, to include:

- approved
1. All sheets (other than the preliminary plat) that make up the Preliminary Plan; and
  2. A final plat, per *UZO* Appendix B-3-2 as applicable, showing maximum building lines.

James Hawley presented slides of the location map, aerial photograph and site plan. He also reiterated staff's recommendation of conditional approval.

Paul Coutts, representing the petitioner, 1719 Monon Lafayette IN, stated they agreed with the staff report and all of the conditions. He stated this project would fit well with this neighborhood. He said they have had numerous meetings with staff and the city officials and this has created a very good



project for this location. He stated there would be 30 occupants with 30 bedrooms and a bathroom for each bedroom. He stated it was a unique project and asked for approval of the rezone request.

Ruth Lind, President of House Association for Zeta Tau Alpha Sorority, stated the sorority house is across the street from this development and expressed concerns for where the residents would park. She stated there was very limited parking in the area because of all the Purdue students. She asked if the required parking was in place.

Jan Mills answered that they do have the required parking space for each bedroom.

KD Benson asked if it would be fraternity or sorority.

Paul Coutts answered it would be an apartment building.

Jan Mills stated this was a good project and the staff, developer and the city officials had worked long hours on making this a successful project. She thanked the developer for lowering the roofline and making the apartment's aesthetics more in tune with the surrounding properties.

The Commission voted by ballot 11 yes – 0 no to recommend approval of **Z-2072—WILLIAM FLEISCHHAUER** to the West Lafayette City Council.

4. **Z-2073—DALE & CAROL RHODE (R1 TO NB):** Petitioners are requesting the rezoning of an existing Pizza King restaurant located on the northeast corner of Grant Road and SR 25 N in the unincorporated town of Americus, Washington 16 (NE) 24-3.

Karl Rutherford moved to hear and approve the above-described request.  
David Williams seconded.

Sallie Fahey read staff comments with a recommendation of approval. She read the following letter into the record:

Mr. & Mrs. Robert Bonnert, 7503 SR 25 N Lafayette, IN, approval of request.

James Hawley presented slides of the location map and aerial photograph. He also reiterated staff's recommendation of approval.

Joseph T. Bumbleburg, representing the petitioner, PO Box 1535 Lafayette IN 47902, stated the petitioners would like to rezone to be conforming to the Land Use Plan. He stated this business has been there 25 years. He gave a brief history of the businesses that had been on this site in the past. He stated this business posed no adverse affect on the neighbors. He stated the petitioners would like to correct the nonconforming status because they would like to sell

the business and it was needed for insurance purposes. He stated this business was good for Americus and asked for approval of the request.

John Knochel stated he was in support of the rezone request.

The Commission voted by ballot 11 yes – 0 no to approve **Z-2073—DALE & CAROL RHODE (R1 TO NB)** to the Tippecanoe County Commissioners.

## **B. SUBDIVISIONS**

1. **S-3180—BRIDLEWOOD SUBDIVISION, PH 1, PT 2 (MAJOR-PRELIMINARY):** Petitioner is seeking primary approval for a 78-lot single-family subdivision on 25.19 acres (including 4 outlots). This site is located on the south side and west end of Stable Drive (south of Saddlebrook Estates), in Perry 30 (W½) 23-3. CONTINUED FROM THE MAY MEETING.

Karl Rutherford moved to hear and approve the above-described request. David Williams seconded.

Sallie Fahey read staff comments with a recommendation for conditional primary approval contingent on the following conditions:

**CONSTRUCTION PLANS** – The following items shall be part of the Construction Plans application and approval:

1. The Lafayette City Engineer shall approve the sanitary sewer and water plans.
2. The Sheffield Township Fire Department shall approve the fire hydrants. Plans for the actual placement of the hydrants shall be approved by the City in cooperation with the Fire Department.
3. An Erosion and Sediment Control Plan meeting the requirements of 327 I.A.C. 15-5 shall be approved by the Tippecanoe County Soil and Water Conservation District and meeting the requirements of the County Drainage Board as required by Tippecanoe County Ordinance #93-18-CM.
4. The County Drainage Board shall approve the drainage plans.
5. An on-site utility coordinating sheet shall be approved and signed-off by the non-government utility companies. If any of these utilities are being extended from an off-site location, this extension shall be made a part of the utility coordinating sheet.

**FINAL PLAT** – The following items shall be part of the Secondary Application and Final Plat approval:

6. Except for the approved entrance(s), a "No Vehicular Access" statement shall be platted along the Stable Drive and CR 550 E right-of-way lines.
7. If there is a mortgage on this property, a recorded partial release or written acknowledgment from the mortgage company must be obtained in order to dedicate the necessary right-of-way.
8. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
9. All required building setbacks shall be platted.
10. The common areas shall be platted as Outlots A, B, C & D.
11. The street addresses and County Auditor's Key Number shall be shown.

**SUBDIVISION COVENANTS** – The following items shall be part of the subdivision covenants:

12. The "No Vehicular Access" restriction shall be made enforceable by the Area Plan Commission and irrevocable by the lot owners.
13. The purpose, ownership and maintenance of the outlots shall be specified.

James Hawley presented slides of the location map, aerial photograph and site plan. He reiterated staff's recommendation of conditional primary approval.

Joseph T. Bumbleburg, representing the petitioner, PO Box 1535 Lafayette IN 47902, stated this was a 78-lot subdivision on 25 acres in Perry Township. He stated the petitioner agreed with the conditions and asked for approval of the request.

The Commission voted by ballot 11 yes – 0 no to grant conditional primary approval of **S-3180—BRIDLEWOOD SUBDIVISION, PH 1, PT 2 (MAJOR-PRELIMINARY PLAT).**

The Commission voted by ballot 11 yes – 0 no to permit bonding.

2. **S-3186—PAINTED HILLS MINOR SUBDIVISION (MINOR-SKETCH) (formerly known as Vaughan Subdivision):** Petitioners are seeking primary approval for a 4-lot subdivision on 7.3 acres. The site is located on the north side of CR 350 S, between Old Romney Road

and Old US 231, in Wea 7 (NE) 22-4. CONTINUED FROM THE JUNE EXECUTIVE COMMITTEE MEETING.

Karl Rutherford moved to hear and approve the above-described request. David Williams seconded.

Sallie Fahey read staff comments and recommended conditional primary approval contingent on the following conditions:

**FINAL PLAT** – The following items shall be part of the Secondary Application and Final Plat approval:

1. Except for the approved entrance(s), a "No Vehicular Access" statement shall be platted along the CR 350 S right-of-way line.
2. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
3. All required building setbacks shall be platted.
4. The street addresses and County Auditor's Key Number shall be shown.

**SUBDIVISION COVENANTS** – The following items shall be part of the subdivision covenants:

5. The "No Vehicular Access" restriction shall be made enforceable by the Area Plan Commission and irrevocable by the lot owners.
6. The maintenance responsibility and purpose of the common area shall be described.

James Hawley presented slides of the location map and aerial photograph and site plan. He reiterated staff's recommendation of conditional primary approval.

Charles Vaughan, petitioner, PO Box 498 Lafayette IN 47902, asked for approval of the request.

The Commission voted by ballot 11 yes – 0 no to grant conditional primary approval of **S-3186—PAINTED HILLS MINOR SUBDIVISION (MINOR-SKETCH).**

**3. S-3191—ORCHARD SUBDIVISION, PH. 2 (MAJOR-PRELIMINARY):**

Petitioner is seeking primary approval for a 35-lot single-family subdivision on 16.637 acres (with 4 outlots). The site is located

north of SR 26, just west of the CR 250 W intersection, in Wabash 14 (W½) 23-5.

Karl Rutherford moved to hear and approve the above-described request.  
David Williams seconded.

Sallie Fahey commented that as of yet the petitioner had not asked for permission to bond. She read staff comments and recommended conditional primary approval contingent on the following conditions and variance:

### **VARIANCES**

1. A variance to reduce the required pavement width from 30-ft. (back of curb to back of curb) to 28-ft.

### **CONDITIONS**

**CONSTRUCTION PLANS** – The following items shall be part of the Construction Plans application and approval:

1. The West Lafayette City Engineer shall approve the sanitary sewer plans.
2. Indiana-American Water Company, Inc shall approve the water plans.
3. The fire hydrants shall be approved by the Wabash Township Fire Department. Plans for the actual placement of the hydrants shall be approved by the Indiana-American Water Company in cooperation with the Fire Department.
4. An Erosion and Sediment Control Plan meeting the requirements of 327 I.A.C. 15-5 shall be approved by the Tippecanoe County Soil and Water Conservation District and meeting the requirements of the County Drainage Board as required by Tippecanoe County Ordinance #93-18-CM.
5. The County Drainage Board shall approve the drainage plans.
6. An on-site utility coordinating sheet shall be approved and signed-off by the non-government utility companies. If any of these utilities are being extended from an off-site location, this extension shall be made a part of the utility coordinating sheet.
7. On the grading plan, the lowest floor elevation for any building pad within 100 ft. of the FP (Flood Plain) district shall meet the flood protection grade.

**FINAL PLAT** – The following items shall be part of the Secondary Application and Final Plat approval:

8. If there is a mortgage on this property, a recorded partial release or written acknowledgment from the mortgage company must be obtained in order to dedicate the necessary right-of-way.
9. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
10. The required 25-ft. railroad right-of-way buffer strip shall be shown and labeled as follows: "This strip is reserved for screening. The placement of structures hereon is prohibited."
11. All required building setbacks shall be platted.
12. When the final grading is complete, the Regulatory Flood Elevation and Boundary for the Flood Plain shall be shown. It shall also be described and certified as specified in Unified Zoning Ordinance, Section 2-26-17.
13. The four Common Areas shall also be labeled as Outlots C, D, E and F, following the format from Phase 1.
14. The street addresses and County Auditor's Key Number shall be shown.

**SUBDIVISION COVENANTS** – The following items shall be part of the subdivision covenants:

15. The purpose, ownership and maintenance of the outlots shall be specified.

James Hawley presented slides of the location map, aerial photograph and site plan. He reiterated staff's recommendation of conditional primary approval.

David Kovich, PO Box 1623 Lafayette, IN 47902, stated he agreed with the staff report and all conditions. He asked for permission to bond.

Jim Miller asked why the variance was originally granted from 30 feet to 28 feet. He asked if 28 feet was what the current road was why would a variance need to be sought.

KD Benson replied that County Highway was going to change the ordinance to a 28 foot standard.

James Hawley stated that the ordinance was in the process of being changed to 28 feet. He said until the ordinance was passed variances would need to be sought.

The Commission voted by ballot 11 yes – 0 no to grant approval of the variance for **S-3191—ORCHARD SUBDIVISION PH 2 (MAJOR-PRELIMINARY)**.

The Commission voted by ballot 11 yes – 0 no to grant conditional primary approval of **S-3191—ORCHARD SUBDIVISION PH 2 (MAJOR-PRELIMINARY)**.

The Commission voted by ballot 11 yes – 0 no to permit bonding.

## **V. ADMINISTRATIVE MATTERS**

James Hawley informed by Commission he was currently working with the MITS Department to create a website that would post all agendas the Friday before the meeting. He stated Karl Rutherford had brought it up at the Executive Committee meeting and he appreciated his suggestion to get the project started. He said eventually they would also have approved minutes, the Transportation Plan and Ordinances on the website although they would not be the official copy.

Larry Cuculic suggested putting a warning and disclaimer that the internet version of the Ordinances was not the official document.

James Hawley agreed. He stated they also plan to put forms, applications and procedures for filing on the website. He stated they would also post the APC member roster with perhaps the phone numbers if that was okay with the members. He said BZA would be a different matter because it was illegal to contact a Board member before a case has been heard.

## **VI. APPROVAL OF THE JULY 2002 EXECUTIVE COMMITTEE AGENDA**

Karl Rutherford moved that the following subdivision petition be placed on the July 3, 2002, Area Plan Commission Executive Committee Public Hearing Agenda at petitioners' request, placement thereon being without reference to compliance or non-compliance with the adopted subdivision ordinance:

**S-3190—CHINA GARDEN MINOR SUBDIVISION (MINOR-SKETCH)**  
**S-3192—SLAGEL MINOR SUBDIVISION (MINOR-SKETCH)**

David Williams seconded and the motion carried by voice vote.

## **VII. DETERMINATION OF VARIANCE**

Karl Rutherford moved that the following requests for variance from the Unified Zoning Ordinance are not requests for use variance, prohibited from consideration by ordinance and statute:

**BZA-1614—KELLY JOHN GOOD**

**BZA-1615—DAVID KOVICH**

David Williams seconded and the motion was carried by voice vote.

**VIII. DIRECTORS REPORT**

James Hawley informed the Commission of a letter he received, that he has previously shared with Mr. Cuculic and Mr. Rhoda, the prior week from Mr. Charley Vaughan that was highly critical of the office procedures because of an incomplete filing he had last month for S-3186—Painted Hills Minor Subdivision. He stated there was not a complete legal description filed with the case. He stated the staff was following procedures that the Commission approved when an incomplete filing has been taken in and is past the deadline, it must be continued to the following month's public hearing. He stated that Mr. Vaughan was not happy with the situation and sent a letter to the office that was personally pointed. James Hawley stated he provided Charley Vaughan with information he requested on the salaries of people in the office and that staff does not get a car allowance or parking paid for either. He stated he just wanted to inform the Commission that the event had occurred.

Larry Cuculic stated Mr. Vaughan had sent a carbon copy to the Journal & Courier.

**IX. CITIZENS' COMMENTS AND GRIEVANCES**

Steve Clevenger, 4011 Black Forest Lane West Lafayette, IN, stated as an interested citizen of the rural residential zoning since 1995, he wanted to thank the Commission and the staff for all of their hard work on getting the ordinance passed. He commented he hoped the jurisdictions would not have any problems approving the ordinances either.

**X. ADJOURNMENT**

Karl Rutherford moved that the meeting be adjourned. David Williams seconded and the motion carried by voice vote.

The meeting was adjourned at 8:50 P.M.

Respectfully submitted,

Julie Holder  
Recording Secretary



Reviewed by,

James D. Hawley, AICP  
Executive Director